

## Remarks

In the Office Action dated July 10, 2002, the Examiner rejected Claim 8 under 35 U.S.C. § 102(e) as being anticipated by Yoshizawa, et al. 5,712,876. The Examiner observed that in Applicants' previous response Applicants' arguments to distinguish their invention over Yoshizawa were directed to limitations which were not claimed, specifically Applicants' invention's capability to dynamically change the frequency center at a rate of at least 100 milliseconds, means for collecting status information and time division duplex (TDD).


In reply, Applicants respectfully submit new claim 9 which is a revision of old claim 8 in that new claim 9 incorporates some of these limitations and additional claims 10 through 14, which incorporate the remaining limitations Applicants noted in their previous response.

In the Applicants' reply to the previous Office Action dated December 4, 2001, Applicants' noted that their invention was distinguishable over Yoshizawa. However, Applicants failed to provide amended claims that incorporated the limitations. Applicants believe that the above new claims distinguish over Yoshizawa as argued in their previous reply.

In view of the above, and in the absence of any other art beyond that cited by Applicants and the additional patents cited by the Examiner, which is not similar to Applicants' invention, Applicants' attorney respectfully submits that the application is now in condition for allowance, which allowance is respectfully requested.

Respectfully submitted,

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